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February 1, 2006

BY HAND

Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/1/06

Re: Conley v. City of New York, et al.
05 CV 10024 (KMK)(JCF)

Dear Judge Francis:

I am an assistant in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for Defendant City of New York (the “City”). I write with respect to the above-referenced matter, in which plaintiff sets forth constitutional claims relating to his alleged false arrest and unreasonable detention during the 2004 Republican National Convention.

The City’s time to respond to the complaint will expire on or about February 8, 2006. With this letter, the City respectfully requests that its time to respond to the complaint be extended to and including April 8, 2006.¹ This request is made with the consent of plaintiff’s counsel.

¹ In addition, plaintiff names a Police Officer Astuto as a co-defendant. Without appearing or making any representations on that officer’s behalf, in the event that Officer Astuto was properly served, this office respectfully requests that the same extension be granted to him so that his defenses are not jeopardized while representation issues are being decided.

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In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, this additional time is needed to investigate the allegations of the complaints. It is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office has forwarded to plaintiff's counsel, for execution by plaintiff, a consent and authorization for the release of sealed records so that the City can access the information, properly assess the case, and respond to the complaint. It takes from 30 to 45 days after the consent is received for the subject records to be unsealed and released to this office.

No previous request for an extension has been made by the City. Accordingly, it is respectfully requested that the City's time to answer or otherwise respond to the complaint in the above-referenced action be extended to and including April 8, 2006. //

Thank you for your time and attention.

Respectfully submitted,

Fred M. Weiler (FW 5864)

cc: Jeffery Fogel, Esq. (via fax)

2/2/06
Application granted.
So ORDERED.
James C. Francis IV
USM J